



TOWN OF WAYNESVILLE Planning Board

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Chairman
Patrick McDowell (Chairman)
Planning Board Members
Danny Wingate (Vice)
Anthony Sutton
Marty Prevost
Robert Herrmann
Jason Rogers
H.P. Dykes, Jr.
Pratik Shah
Ginger Hain

**Development Services
Director**
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 May 21, 2018

THE WAYNESVILLE PLANNING BOARD held its regular meeting on May 21, 2018 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell called the meeting to order at 5:30 p.m., and welcomed everyone.

The following members were present:

Patrick McDowell (Chairman)
Danny Wingate (Vice Chairman)
Jason Rogers
Ginger Hain
Pratik Shah
Marty Prevost
Anthony Sutton
Bucky Dykes

The following member was absent:

Robert Herrmann

The following staff members were present:

Rob Hites, Town Manager
Elizabeth Teague, Development Services Director
Eddie Ward, Town Clerk
Byron Hickox, Land Use Administrator
Amie Owens, Assistant Town Manager
Michelle Baker, Administrative Assistant

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Brian Beck, Police Department
Ricky Mehaffey, Fire Department
Attorney Ron Sneed
Attorney Bill Cannon

The following media representatives were present:

Becky Johnson, The Mountaineer newspaper
Cory Valliancourt, Smoky Mountain News
Frank Kracher WLOS News

2. Adoption of Minutes

A motion was made by Board Member Marty Prevost, seconded by Board Member Anthony Sutton, to approve the minutes of the March 19, 2018 board meeting as presented. The motion passed unanimously.

Chairman Patrick McDowell advised to the Board and audience that this meeting is a legislative procedure to consider a text amendment to the Land Development Standards only, and to make a recommendation to the Board of Aldermen for the entire zoning district. He reviewed protocols with the Board and asked that the public also follow all protocols.

B. BUSINESS

1. Public Hearing and consideration of a text amendment to the Town of Waynesville Land Development Standards for the Plott Creek Neighborhood Residential District (PC NR), Table of Permitted Uses, Section 2.5.3, to allow multi-family dwellings. (Legislative Proceeding)

A motion was made by Board Member Anthony Sutton, seconded by Board Member Pratik Shah, to open the Public Hearing at 5:38 p.m. The motion passed unanimously.

Chairman Patrick McDowell asked Ms. Elizabeth Teague, Development Services Director, to present the staff report.

Ms. Teague provided the Board with a time line of events as follows:

- 1993 – Waynesville extended ETJ to provide zoning protections outside of its jurisdiction
- 1995 – Waynesville and Hazelwood Merge – Hazelwood did not have ETJ, and so there is no zoning past the municipal boundary
- 1999 – Hazelwood Elementary School is built
- 2002 – Waynesville Land Use Plan is adopted
- 2003 – Land Development Standards are adopted, Plott Creek Neighborhood District (PC-ND) is established – Dwelling, multi-family is permitted with special requirements – PC_ND includes multi-family as permitted through 08-24-2010 revisions of LDS
- 2004 – Town conducts study and survey to extend ETJ further up Plott Creek; - Develop “Plott Creek Rural District” draft but determine not to extend ETJ
- 2006 – NCDOT widening project of Plott Creek Road introduced (NC Moving Ahead); - School parking lot extended.

- 2011 – Current Land Development Standards are revised and adopted by the Board; - Multi-family not permitted (“P”) in PC-NR District in Permitted Uses Table.
- 2017 - NCDOT Sidewalk project from Hazelwood to Will Hyatt Road approved - *requested in 2010 Pedestrian Plan

Ms. Teague referred the Board to the 2002 Future Land Use Maps showing the Plott Creek District as located within the area designated for medium to high density growth and shown in orange on the map.

Ms. Teague stated that this request is for consideration of a Text Amendment to the Town of Waynesville Land Development Standards (LDS) to add “Dwelling-Multi-Family” as a Permitted Use (“P”) within the Plott Creek Neighborhood Residential District (PC-NR District).

The applicant is Triangle Real Estate of Gastonia/Southwood Realty, a development firm that has a contract to purchase a property within the Plott Creek Neighborhood Residential District and would like to build a multi-family development of apartments.

The zoning category Neighborhood Residential (“NR”) represents the medium to high density residential districts within Town. All of the NR districts have the same density and dimensional standards provided in Section 2.4.1. This includes Allen’s Creek, Love Lane, Main Street, Ninevah, Pigeon Street, Plott Creek, Raccoon Creek, Sulphur Springs, and Walnut Street Neighborhoods. On the Table of Permitted Uses, Section 2.5.3, the NR District allow single-family, two-family, and townhome dwellings, but only seven of the nine NR Districts allow “multi-family,” with the “P” being absent from the columns for Plott Creek-NR and Sulphur Springs-NR. The Low-Density Residential Districts and the Howell Mill Road Medium Density District also exclude “multi-family” while allowing townhomes. In an apparent contradiction within the Land Development Standards, Section 5.3 Permitted Building Types and Frontages, the LDS allow both townhouse and apartment buildings in all of the Town’s Residential Districts, including PC-NR. Ms. Teague referred the Board to the 2020 Land Development Plan Future Land Use Map, adopted in 2002, which designates the Plott Creek-NR area as medium to high density residential and to the LDS Section 2.5.3 Table of Permitted Uses in their agenda packet.

Ms. Teague said that the questions raised in this text amendment request are: why are townhomes and multi-family structures treated differently under the ordinance within the same zoning category while density and dimensional requirements are the same? And, why is multi-family not specifically included in the PC-NR and SS-NR Districts when these are part of the Town’s medium to high density development areas?

The Land Development Standards (LDS) make the following distinctions in Section 17.1 Definitions:

Dwelling-Multifamily: A building or portion thereof containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multi-family structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

Dwelling-Townhouse: Three or more attached dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separate from any other unit by one or more vertical common fire-resistant fire walls, and the land underneath each unit is titled to the unit.

Ms. Teague explained to the Board that these definitions refer to building style and structure, and the way in which the property is subdivided. They do not distinguish between rental and non-rental. She said someone could rent a townhome just as they could rent a condominium, apartment, duplex or single-family dwelling. A condominium could be within a multi-family structure or a townhome type structure. In the NR Table of Dimensional Standards, the development standards are ten units per acre and up to 16 units per acre with a Special Use Permit. The minimum lot size is 1/6 acre.

Ms. Teague read the Purpose Statement of the PC-NR District (LDS Section 2.3.3 (F) which states:

As the Plott Creek Neighborhood district (PC-NR) develops it should do it in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops.

She said this was almost word for word as the Purpose and Needs Statement for the District when it was established in 2003, when multi-family was included.

Ms. Teague told the Board that every zoning or text amendment had to be consistent with the Land Development Plan. In the Waynesville: Out Heritage, Our Future, 2020 Land Development Plan, a stated Land Use Goal is:

"Promote the orderly growth, development and enhanced land values of the Town or Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community." (2020 LDP, p 4-2)

Another goal of the Land Use Plan is to:

"Provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville."

Ms. Teague said the objective and actions listed under that goal are:

- *"To work with the development community to explore ways to make affordable housing construction more attractive to developers*
- *Use creative zoning to allow accessory dwellings, duplexes and other affordable housing alternatives*
- *Rezone areas as indicated on the Land Use Map which allow for higher density residential development*
- *Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives*
- *Rezone areas as indicated on the Land Use Map which allow for higher density residential development.*

- *Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options.” (LDP, p. 4-7)*

Staff Recommendation

Ms. Teague explained to the Board that this text amendment would place a “P” within the Table of Permitted Uses in the PC-NR column at the multi-family row, and would not change any other requirements or density of the district. This would create a new housing opportunity by allowing multi-family structures that could accommodate apartments or condominiums for new rental or ownership. The Haywood County Housing Strategy, which was completed in 2017, indicated a high demand for rental housing and recommended that the County prioritize the creation of rental units.

The PC-NR is within a mile of the Hazelwood Central Business District and less than a half mile to the expressway. Beyond the district boundary are un-zoned boundaries of Haywood County. Ms. Teague stated that staff recommends that the proposed text amendment is consistent with the Land Use Plan and is a good way to create new and more flexible housing opportunities within the medium to high density zoning category and within the urban service boundary.

Some additional points by Ms. Teague were in reference to the flood plain area in this district. She referenced the 2012 FIRM Regulatory Floodplain map and explained the flood way, and the 100 and 500 year floodplain. She said a large part of Waynesville is in the floodplain, and wherever construction happens in the regulatory floodplain, Floodplain Regulations and building codes are enforced.

Chairman McDowell asked the applicant to come forward and speak.

**William Ratchford, VP Southwood Realty
3005 Laurie Court
Gastonia NC 28056**

Mr. Ratchford stated he was Vice President, builder and developer for Triangle Real Estate/Southwood Realty of Gastonia which is a family owned business that was started in 1960 by his grandfather. This company is the largest owner of apartments in Western North Carolina, and has been located in Henderson County since 2001. Mr. Ratchford stated that his company has built every complex that the company owns.

Mr. Ratchford said that the request for a text amendment has been submitted in order to fix a conflict in the PC-NR in Table of Permitted Uses, Section 2.5.3 of the Land Development Standards which allows apartments but not multi-family dwellings as a permitted use. He clarified to the Board and audience that this was a text amendment, not a specific project request. He stated that his company has builds housing that caters to the small town, with pricing that is often needed to provide housing to its residents. The median income in the last year for people requesting housing was just over \$40,000.00 per year. According to Mr. Ratchford’s records, the cost of housing has increased significantly in the last several years in Haywood County.

Mr. Ratchford stated that he would address the four main arguments that he expected to hear in this meeting: increased traffic, destruction of the natural environment, overcrowding of the Hazelwood School, and more density in the Plott Creek area.

The project his company would be proposing would be less than five units an acre. The North Carolina Fire Code allows two hundred maximum units per one entrance to the property. Traffic on Plott Creek has been studied in the event the project is approved in the future. Apartment communities typically have less traffic issues than townhomes or similar sized housing developments. Mr. Ratchford said this impact carries over to the school as well. As a two hundred unit apartment complex, with one bedroom apartments in it, one bedroom apartments have considerably less children than a townhome or housing development.

As far as the environment, apartments take up a less geographical footprint than townhomes or houses. This would leave more areas for stream buffers, areas away from neighbors, and conserve the mountain views that Plott Creek is known for.

Mr. Ratchford said the request is only to add apartments in the Table of Permitted Uses. Duplexes and townhomes are already permitted in this area. He told the Board that his company is looking to build a contemporary project that can support the Town's population needs. For an active adult, they can walk upstairs and they are home, and not have to go up and down for meals or monitoring children. A first floor unit will accommodate the handicapped, or someone who has a problem with stairs.

Jason Fulton – Traffic Engineer
J. M. Teague
Auburn Park
Waynesville, NC 28786

Mr. Fulton was asked by the Board about the traffic impact if this project moved ahead on Plott Creek. He said the apartment complex would add approximately 1,300 cars daily up to the proposed driveway access of the apartment complex. Currently, there are approximately 2500 on that stretch of road. The highest concentration of traffic is the drop off period for the school between 7:00 and 8:00 am, and the pick up period for the school which is between 2:00 and 3:30 pm. The peak hour for homes or apartments is between 7:00am and 9:00am and 4:00pm and 6:00 pm. He stated that while traffic during the morning peak hour would increase, traffic in the afternoon would split peak times. Mr. Fulton stated that the Plott Creek Road is under utilized at all other times.

Mark Teague – Traffic Engineer
J. M. Teague
Waynesville, NC 28786

Mr. Teague explained to the Board that he is a traffic engineer who used to work for NCDOT. He stated that for townhomes and apartments, the average traffic count is based on seven trips per day per unit. For a single family home, the average is ten trips a day. The general capacity of a two lane road like Plott Creek Road is ten to twelve thousand vehicles per day. Plott Creek road would still be at less than half capacity with the build-out of the project, according to NCDOT standards.

Alan Schork
1055 Winding Creek Drive
Waynesville, NC 28786

Mr. Schork stated that he was speaking on behalf of several homeowners and a lot of owners who are in opposition to the text amendment and proposed apartment project. The issue is that since 2011 only seven of the nine neighborhood residential districts allow multi-family as a permitted use. The two excluded districts

are Plott Creek and Sulphur Springs. Mr. Schork said the reason that these two districts were excluded was that it was a deliberate choice of the homeowners in those districts to not allow apartments in these areas. He told the Board that the requested Text Amendment is driven by one developer's request. But if approved, the revision would apply to every property in the PC-NR District, and its impact is potentially far greater. Mr. Schork indicated to the Board that there is a Comprehensive Plan update in process now, and he asked the question why there is a rush for this decision. Public feedback is such an important part of what the Steering Committee is doing with this update. The stakeholders in and surrounding the PC-NR neighborhood are overwhelmingly opposed to this text amendment. Mr. Schorck said the project did have a place in the community, but not in their community.

**Mary Thomas
152 Sherman Way
Waynesville, NC 28786**

Ms. Thomas said she was a resident of Plott Creek Valley, and she is not within the city limits. She said the residents in Water Rock, The Villages of Plott Creek, and Falcon Ridge have the same values and shared purposes that have been stated in the Town's Land Use Development Plan. Those residents who live outside the Town limits and cannot vote in the municipal elections have invested in the community, and believe they have a voice in its well being. An online petition that was started stated concerns about traffic, a blind curve, school safety, and environmental concern. There are approximately forty homes within the PC-NR district, and the addition of a two hundred unit apartment complex will increase the neighborhood population by five hundred percent. Her concerns about the environment included the complex being built in the floodplain and the affect it will have on the trout streams. Wildlife habitat and water quality will undergo substantial stress. She stated that big city living will be inflicted on a quiet valley. Residents want to preserve the beauty of Plott Creek for future generations. Ms. Thomas said she disagreed with multi-family housing in the Plott Creek Valley.

**Sherrie Schork
1055 Winding Creek Drive
Waynesville, NC 28786**

Ms. Schork stated she was a minister in the United Methodist Church serving as the Church Vitality Strategist for the Smoky Mountain District which includes Haywood County. Ms. Schork stated that it is important to ask questions. She asked how many times the Town has scheduled back to back Planning Board and Board of Alderman meetings to accommodate a developer's request. The Town Code says that if a request is denied the applicant can schedule an appeal. She asked why a Board of Alderman meeting had already been scheduled for this developer. She said the Town seemed to be rushing to accommodate this developer on the Plott Creek property. Another question Ms. Schork asked the Board pertained to what the cost to the Plott Creek community is if the Text Amendment is approved and the zoning is changed along Plott Creek Road. She said there are other areas in the community that are good choices for apartment complexes that won't impact a major water way, require a change of zoning, have adequate roads and won't be the neighbors of a elementary school. She told the Board that once this change occurs, it will open a door for other development. The character of the Plott Valley will be changed forever.

**Teresa Brothers
186 Water Rock Circle
Waynesville, NC 28786**

Ms. Brothers said when considering multi-family apartments within the PC-NR District, preservation and conservation of the places must be considered. Future development can alter and destroy the Plott Creek Valley. She said attention must be placed on the historical nature of the area and protect its uniqueness. Ms. Brothers gave a detailed history of the Plott Creek area including the Civil War, Cherokee hunting, and the Plott Hound. Ms. Brothers asked the Board to preserve history by not allowing multi-family dwellings to be placed in the Plott Creek District.

**Al Danna
191 Chestnut Flats
Waynesville, NC 28786**

Mr. Danna stated he was a 44 year career law enforcement officer specializing in child protection. Mr. Danna said his concern was placing a two hundred unit apartment complex beside an elementary school. He said that these kinds of apartment complexes draw people who harm children. It would be very dangerous to have this complex close to Hazelwood School. Mr. Danna asked the Board what was more important, a housing crisis or protecting children.

**Marjorie Bogart
527 Cardinal Way
Waynesville, NC 28786**

Ms. Bogart stated she was president of the Eagle Point Homeowners Association, and that Eagle Point homes looked directly across Plott Creek to the vacant land where the proposed project would be developed. The residents of Eagle Point would lose their view of the mountains. The proposed apartments would change their entire lives. Ms. Bogart said she had worked for twenty five years in Haywood County Schools. The Hazelwood School is full, and the school would have to be enlarged significantly if two hundred more families are allowed to move in. She said that in Haywood County there are nursing homes, and a few assisted living facilities. A suggestion would be to use the vacant land to provide adults over fifty five that need medical care, but not necessarily a nursing home care, a place to live. That would not bring traffic or children and would be a better fit for the area rather than the apartment units.

**Chuck Dickson
Old Burgin Place across from Hazelwood School
Waynesville NC 28786**

Mr. Dickson said it seemed that the residents of the district had been bounced around with different designations. He urged the Board to let the 2040 planning process unfold prior to making a decision now which will forever impact the future of Plott Creek. He asked them to not allow one project to drive the future of their neighborhood. That one project could turn into many projects for Plott Creek. Mr. Dickson said there was a big difference in single-family and multi-family homes. Multi-family has less privacy, and more transiency. He said the density could be achieved for Plott Creek, Sulphur Springs, and Howell Mill without rezoning. This project does not compliment the Hazelwood Town Center or the Hazelwood School. This will be the largest apartment complex in Haywood County. The complex will not fulfill the vision of Waynesville. He asked the Board to please preserve Plott Creek and not destroy it by adding this apartment complex.

**Anne Fitzpatrick
1714 Chestnut Flats
Waynesville, NC 28786**

Ms. Fitzpatrick said Waynesville's tag line is Progress with Vision. She said she knew this vision included the need for additional housing. She asked the Board to focus their vision and leave the Plott Creek Zoning as is, and protect a pristine neighborhood, and prevent multi-family projects.

**Fred Tollison
316 Skylark Lane
Waynesville, NC 28786**

Mr. Tollison said he represented twenty nine homeowners in the Masters Pointe subdivision. He asked the Planning Board to maintain the current zoning in the Plott Creek District. He said that part of the attraction of the area is the low density, single-family nature of the surrounding community. He said the residents were concerned that the proposed Text Amendment would compromise the fundamental nature of the community and cause property values to erode over time. Master Point is attractive to buyers who are seeking a peaceful environment, and would like it to remain that way. Mr. Tollison said that if this change goes forward, he anticipates problems with traffic. He said there are no objections to single family homes, but oppose rezoning to allow large apartment complexes. He thanked the Board for allowing him to express his views.

**Brad Brothers
186 Water Rock Circle
Waynesville, NC 28786**

Mr. Brothers asked the Board if they wanted to risk a two hundred apartment complex next to a great school. He stated there are other places for the complex instead of next to a school. He asked the Board to think about their children and grand children, and if they would want them going to school next to a two hundred unit apartment complex.

**Ken Hollifield
1228 Plott Creek Rod
Waynesville, NC 28786**

Mr. Hollifield stated he was opposed to the changing the Text Amendment allowing a two hundred unit multi-family apartments. He said this proposed project would drive his property value down. He expressed concerns about the overcrowding of Hazelwood Elementary School. He said the traffic was horrendous. He asked about a DOT Official that could explain about the traffic on Plott Creek Road, because he feels the road would not handle that much traffic. He asked the Board to vote against the change.

**James W. Hall
421 Ramp Patch Lane
Waynesville, NC 28786**

Mr. Hall stated that that he and his wife had spent the last four years looking for a house after living overseas for several years. After deciding to buy a home in Waynesville, Mr. Hall said they did not want a two hundred unit apartment complex built near their home. He asked the Board to listen to the comments of the residents of Plott Creek and vote no to the Text Amendment change.

Lindsay Boring
171 Fountain Spring Lane
Waynesville, NC 28786

Mr. Boring commented on the seating arrangements for the meeting. He said the proposed project was very poorly planned, and should have been placed in Buncombe or Henderson County. Mr. Boring had concerns about the impact of the complex on the watershed. Being a retired Forest Scientist he said the given the kind of land use change the complex will bring, the impacts on the school, highways and homeowners will be great. He feels that Waynesville is different from surrounding communities in special ways, and he asked the Board to think more of the impact on the watershed.

Chairman McDowell asked Mr. Schork about the number of homes and vacant lots in the Villages of Plott Creek. Mr. Schork said there were about one hundred thirty homes and sixty vacant lots. Chairman McDowell explained that the future development of those vacant lots would have an impact on traffic and other concerns that have been brought by residents in the area.

A motion to close the Public Hearing at 6:58 pm was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes. The motion passed unanimously.

Board Member Anthony Sutton asked Ms. Teague to address the issue of the floodplain. She explained that there are regulations which have a process and permitting requirements for any new development in the floodplain. There are more steps and engineering involved when developing in the floodplain. She said the Floodplain Maps were redone in 2012, and maps often become outdated.

Mr. Sutton asked about the history of the Plott Creek District. Ms. Teague said this District was originally carved out of the Eagles Nest District in 2003. From then until 2010 multi-family dwellings were allowed in the District. In 2011 the Land Development Standards was revised and at the time multi-family dwellings were not included in the Table of Permitted Uses.

Chairman McDowell asked Ms. Teague about the parcels located on the purposed project. She explained to the Board that Lloyd's Mountain is not included in this district. She stated there is no ETJ or zoning outside the boundaries of this district. Any kind of development in this area would be directed to Haywood County. She stated that there is adequate water and sewer for this development area.

Board Member Jason Rogers expressed concerns about future development on the forty one acre parcel and the traffic this would create. There was discussion about fire code and the entrances that are required for the two hundred apartment complex. Ms. Teague said that because Plott Creek is a state road, the Department of Transportation will be responsible for driveway permits, and it is not a Town decision as far as their location and design. She said that when a driveway permit is applied for, density and trips will dictate whether a traffic study is required by DOT as part of their permitting.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Danny Wingate to add the designation of "P" to the Land Development Standards Table of Permitted Uses. The motion passed with five yays (Board Members Bucky Dykes, Anthony Sutton, Danny Wingate, Pratik Shah, and Patrick McDowell) and two nays (Board Members Ginger Hain, and Jason Rogers) and one abstaining (Board Member Marty Prevost).

There was discussion to adopt a motion to find consistency with the Land Use Plan and the recommendations regarding consistency in the staff report. Chairman McDowell asked if the Board agreed that the text amendment was consistent the land use plan and the findings of the staff report.

A motion was made by Board Member Anthony Sutton, seconded by Pratik Shah to find the Text Amendment consistent with the 2020 Land Use plan and in promoting the orderly growth, development, and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial venters, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community. consistent with the Town of Waynesville's 2020 Comprehensive Land Development Plan. The motion passed with six yays (Board Members Bucky Dykes, Anthony Sutton, Danny Wingate, Pratik Shah, Patrick McDowell, and Jason Rogers) one nay (Board Member Ginger Hain) and one abstain (Board Member Marty Prevost).

Chairman McDowell called for a short recess at 7: 22 pm.

The meeting reconvened at 7:32 pm.

A motion was made by Board Member Danny Wingate, seconded by Board Member Bucky Dykes to open the Public Hearing at 7:33 p.m. The motion passed unanimously

2. Public Hearing and consideration of a map amendment to the Land Development Map to rezone the following properties from Love Lane Neighborhood Residential (LL-NR) to Russ Avenue Regional Center (RA-RC): 619 Dellwood City Road PIN 8616-20-7488), 635 Dellwood City Road (PIN 8616-20-8680), and 15 Arnold Heights (PIN 8616-20-9635. (Legislative Proceeding)

Chairman McDowell asked Land Use Administrator Byron Hickox to present the staff report. Mr. Hickox stated this request was for a Map Amendment to the Land Development Standards to change the zoning of four properties along Dellwood City Road from Love Lane Neighborhood Residential (LL-NR) to Russ Avenue Regional Center (RA-RC). The four properties are identified as 619 Dellwood Road (PIN 8616-20-7488), 635 Dellwood Road (PIN 8616-20-7595), 637 Dellwood Road (PIN 8616-20-8680), and 15 Arnold Heights (PIN 8616-20-3695). The applicants are Gede Suptra, Moi Tham, and Robert Chinlund.

Mr. Hickox said the applicants approached the Development Services staff about locating a restaurant or general commercial (retail) use on one or more of these properties. The current zoning is Love Lane Neighborhood Residential Mixed-Use Overlay. This particular zoning designation would not permit the establishment of either restaurants or general commercial. The four subject properties are contiguous to the Russ Avenue Regional Center District, which would permit both proposed uses.

The Land Development Standards describe the Love Lane Neighborhood District as an older traditional neighborhood bordered by the Russ Avenue Town Center on one side and the Central Business District on the other. It is one of the oldest neighborhoods in Town. It has connectivity to ball fields, downtown, Richland Creek Greenway, and Russ Avenue. The area to the northwest of Dellwood Road has some of the oldest housing in Waynesville. Additional development needs to maintain a pedestrian scale, and any improvements, should enhance the comfort level of the pedestrian. Driveways accessing Dellwood Road should be kept to a minimum for this reason.

The Land Development Standards describe a Mixed-Use Overlay District as "a zoning overlay district established to permit certain limited mixed uses within residential neighborhoods.

Mr. Hickox told the Board that the properties are surrounded by the following land use types:

1. To the north by single family dwellings, duplexes, mixed uses, and general commercial
2. To the south by single family dwellings, office uses and a Bed & Breakfast on a 5.47 acre lot
3. To the east by single family dwellings, office uses, and general commercial uses.
4. To the west by single family dwellings and duplexes.

In the 2020 Land Development Plan Mr. Hickox explained that the Land Use Goal is to promote the orderly growth, development, and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl, and protecting the natural beauty of the area. Objectives of this goal include designating appropriate amounts of land to reflect desired development patterns and to accommodate the protected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years, promote infill development in the Town of Waynesville as an alternative to continued outward expansion, and work to preserve the important character and scale of each unique area within the larger Waynesville community by building on those elements identified as important to defining each area.

Mr. Hickox reminded the Board the Mixed-use overlay districts are designed to promote limited commercial uses along corridors adjacent to residential districts. While the Town would like to promote new business, the Russ Avenue Regional Center District is an intensive commercial zoning which would exceed the scale and use of what is currently allowed within mixed-use districts and would introduce multiple commercial uses and signage that would be impactful to the Love Lane Neighborhood Residential District. Staff does not believe that this request is consistent with the Land Use Plan, but believes that a less intensive type of use within the mixed-use district could be appropriate.

Staff Recommendation

Staff recommends the creation of a less-intensive commercial use and a zoning such as a Neighborhood Center (NC) district designation consisting of these four properties which would allow the area to continue to serve as a transition corridor from RA-RC to CBD, while allowing some uses that are not otherwise permitted in the LL-NR MXO, Staff also recognizes that there may be a need to define and create a smaller scale retail category that could apply within transitional and overlay districts.

Mr. Hickox said that General Commercial is broken down into two categories: less than 100,000 square feet and over 100,000 square feet.

Therefore, staff recommends denial of this application or tabling the application until a more suitable type of zoning or text amendment could be requested. Staff would like to seek guidance from the Planning Board as to which type of commercial or mixed-use zoning might be acceptable and would like to hear the Planning Board's thoughts regarding the creation of a smaller scale general commercial category.

Chairman McDowell told the Board that he wanted to make everyone aware that his family owned property directly across from these properties.

There was much discussion about tabling the request and if the request could be changed during that period of time, and the cost to the applicant.

**Frank Medina
78 Leisure Lane
Waynesville, NC 28786**

Mr. Medina stated he was representing Mr. Suputra and Ms. Moi Tham, who currently own Princess Nails. He stated that they would like to open a small retail shop. This would include an ice cream parlor, gifts, snacks, non-alcoholic drinks, magazines, and postcards.

A motion to close the Public Hearing at 7:54 pm. was made by Board Member Marty Prevost, seconded by Board Member Anthony Sutton. The motion passed unanimously.

Chairman McDowell said that he felt that the Town is trying to encourage walkability, so then there needs to be a smaller scale commercial category for small businesses, restaurants with no drive thru, etc. The Planning Board discussed what they would like to see in a smaller commercial district and what should be handled by the Steering Committee.

A motion was made by Board Member Jason Rogers, seconded by Board Member Marty Prevost, to deny the application for a Map Amendment to the Land Development Standards (LDS) to change the zoning of four properties along Dellwood City Road from Love Lane Neighborhood Residential (LL-NR) to Russ Avenue Regional Center (RA-RC)- 619 Dellwood Road (PIN 8616-20-7488), 635 Dellwood Road (PIN 8616-20-7595), 637 Dellwood Road (PIN 8616-20-8680), and 15 Arnold Heights (PIN 8616-20-3695). The motion passed with six yays (Board Members Patrick McDowell, Bucky Dykes, Marty Prevost, Pratik Shah, Jason Rogers, and Ginger Hain) and two abstaining (Board Members Anthony Sutton and Danny Wingate)

A motion was made by Jason Rogers, seconded by Bucky Dykes to direct staff to research a smaller scale residential neighborhood commercial category. The motion carried unanimously.

C. PUBLIC COMMENT /CALL ON THE AUDIENCE

No one spoke

D. ADJOURN

With no further business, a motion was made by Board Member Jason Rogers, seconded by Board Member Danny Wingate, to adjourn the meeting at 8:10 pm. The motion passed unanimously.


Eddie Ward, Town Clerk


Patrick McDowell, Chairman